



SRI LANKA

STATEMENT BY

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AT THE CONFERENCE TO FACILITATE THE ENTRY INTO FORCE OF THE COMPREHENSIVE NUCLEAR-TEST-BAN TREATY

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Mr. President, I have the great honour and privilege to address this important conference on behalf of the Hon. Minister of Foreign Affairs of Sri Lanka. May I first of all congratulate the President on his election and for his excellent contribution to the process and the Secretary-General Wolfgang Hoffmann for his unstinted efforts to bring the Comprehensive Nuclear-Test-Ban Treaty into force.

At present, Sri Lanka is only a signatory, but she is seriously evaluating her position with regard to the ratification of the aforementioned treaty. In this respect, Sri Lanka is very happy to note the support of like-minded Non-Aligned countries to the Treaty, at its Summit Meeting in Kuala Lumpur in 2003 and the ensuing signatures and ratifications to this treaty due to this paradigm shift.

The main focus of this conference is to evolve strategies for speedy ratification of the treaty by all countries to ensure universality. However, this treaty cannot come into force without the support of Annex II countries. It is indeed a difficult task and one might even call it a "Sisyphean" task in terms of Greek mythology, unless PTS and the ratifiers, whether big or small, move vigorously to disseminate the importance of this treaty with respect to its content, benefits and usefulness in a manner that would encourage all states to ratify this treaty in their national or global interests. The

importance of this treaty was emphasized by none other than the former US Arms Control and Disarmament Agency Director, Gerald Smith. He said that "it is difficult to conceive of any single measure that would do more to stem the spread of nuclear scourge except through a comprehensive ban on nuclear-testing." To this end, the PTS need to appoint good national interlocutors to disseminate the importance, benefits and usefulness of this treaty to specific target groups such as high-ranking politicians, legislators, foreign service personnel, military officers, academics and the civil society, so that there will be internal pressure within these states to take action to ratify this treaty in their national and global interests as a peoples' treaty.

However, it is futile to make any attempt to bring this treaty into force through the back door. The intrinsic nature of the treaty does not permit provisional application under Article 25 of the Vienna Convention on the Law of the Treaties. It is also futile to claim that this treaty could be considered as constituting customary international law on the basis that a large number of states have manifested a state practice and a feeling to be bound by this treaty. Therefore, it can only come into force if the Annex II countries are persuaded to sign and ratify the treaty, and in particular the United States of America. Hence, it must be said, as my Foreign Minister Tyronne Fernando has said many times that the "UN needs the USA and the USA needs the UN" in important multilateral issues of this nature. Hence, a symbiotic relationship between USA and UN is essential for the effective ratification and implementation of this treaty.

Mr. President, the ratification of this treaty is extremely important at this juncture for several reasons. Among others, dangers and risks to international security take the pride of place. The events of September 11 of 2001 has disrupted the legitimate order established through the UN Charter after the World War II in the same way as the legitimate order was disturbed by the disastrous Napoleonic Wars in the early 19th century. However, the Austrian Ambassador Metternich and the British Foreign

Secretary Lord Castlereagh were able to establish, through diplomacy, a legitimate Euro-centric order to last a hundred years in the European Continent. In the near future it is unlikely that a new legitimate order will emerge with the necessary UN reforms. On the contrary, it is likely that nuclear-testing may be undertaken not only by states, but also by non-state terrorist groups who have no respect for human life. In this context, the existing order may be plunged into chaos by nuclear testing or nuclear attack by terrorist groups. Hence, it is in the interest of all states to prevent this calamity in the future by ratifying this treaty to prevent nuclear non-proliferation. As the Chinese proverb says, "A journey of thousand miles start with the first steps". This, indeed, is the first step in the right direction.

Mr. President, geographically, Sri Lanka is in South Asia. The Republic of India and the Islamic Republic of Pakistan are located to the north of Sri Lanka. In 1998, these two nuclear powers have tested nuclear weapons. The conflict in Kashmir continues unabated to threaten the security and stability of the whole region. Hence, there is a need for initiating an effective strategy by the PTS and the friendly countries to promote the ratification by these two important annex II countries.

Mr. President, it is therefore important to pursue the ratification process more vigorously and selectively. The ratification process is diagnosed as "the slow-boat syndrome" in the conduct of international law and relations. The 1969 Vienna Convention on the Law of Treaties took almost 11 years from 1969 to 1980 to enter into force. The 1982 UN Convention on the Law of the Sea took almost 12 years from 1982 to 1994 with the 1994 UN Implementation Agreements to enter into force. Unlike national legislation, a treaty does not come into force quickly. There is no need to get disappointed for the delay, as we have to make haste slowly. Through hard work, diplomacy and dissemination of its content, the ignorance surrounding this treaty can be dispelled to ensure its ratification and the entry into force.

Thank you Mr. President.